

1 ENGROSSED HOUSE
2 BILL NO. 1084

By: Tedford of the House

3 and

4 Reinhardt of the Senate

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6
7 An Act relating to insurance; providing definitions;
8 prohibiting certain assignment of benefits; declaring
9 certain assignments null and void; providing
10 exceptions; clarifying procedures and penalties for
11 violation; clarifying unprohibited activity;
12 providing for codification; and providing an
13 effective date.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1230 of Title 36, unless there
17 is created a duplication in numbering, reads as follows:

18 A. For purposes of this act:

19 1. "Assignment agreement" means any instrument by which post-
20 loss benefits under an auto, or residential or commercial property
21 insurance, including, but not limited to, any right of action
22 against the insurer or any proceeds acquired from the insurer, are
23 assigned, transferred, or acquired in any other manner, in whole or
24 in part, to or from a person providing services, including, but not
limited to, communicating with an insurer on an insured's behalf or

1 inspecting, estimating, protecting, repairing, restoring, or
2 replacing the property or mitigating against further damage to the
3 property; and

4 2. "Person" means:

5 a. a natural person,

6 b. any type or form of corporation, company, partnership,
7 proprietorship, association, or other legal entity,
8 and

9 c. a government, governmental subdivision or agency, or
10 other governmental body.

11 B. 1. A person shall not solicit or accept an assignment, in
12 whole or in part, of any post-loss insurance benefit for property
13 damage under an auto collision or comprehensive policy, residential
14 property insurance policy, or commercial property insurance policy.
15 An assignment agreement is against public policy and is null and
16 void, and any contract entered in violation of this section shall be
17 void and unenforceable.

18 2. The provisions of paragraph 1 of this subsection do not
19 apply to any of the following:

20 a. an assignment, transfer, pledge, or conveyance granted
21 to a federally insured financial institution,
22 mortgagee, or a subsequent purchaser of the property,
23 or
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